

**Amendment No. 1 to SB2858**

**Southerland  
Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 2858\***

**House Bill No. 3650**

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-3-202, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Any motor vehicle dismantler and recycler, or scrap metal dealer purchasing any motor vehicle for dismantling and/or scrap, shall maintain the following records, subject to inspection described hereinafter, for a period of five (5) years: the name and address of the motor vehicle dismantler, recycler, or scrap metal dealer; the name, initials, or other identification of the individual entering the information; the date of the transaction; a description of the motor vehicle, including the make and model to the extent practicable; the vehicle identification number (VIN) of the vehicle; the license plate number of any vehicle transporting the motor vehicle being sold; the amount of consideration given for the vehicle; a written statement signed by the seller, or the seller's agent, certifying that the seller, or the seller's agent, has the lawful right to sell and dispose of the motor vehicle; the name and address of the person from whom the vehicle is being purchased; a photocopy, or electronic scan of a valid driver's license of the seller or seller's agent of the motor vehicle, or in lieu thereof, any other identification card containing a photograph of the seller as issued by any state or federal agency of the United States. If the buyer has a copy of the seller's photo identification on file, the buyer may reference the photo identification on file without making a separate photocopy for each transaction. If the seller does not have the identification prescribed herein, the motor vehicle dealer, junk dealer, or scrap metal dealer shall not complete the transaction.

(b) Notwithstanding any other provisions of this title to the contrary, any motor vehicle dismantler and recycler, as required to be licensed pursuant to § 55-17-109, or scrap metal dealer registered pursuant to § 62-9-101, who purchases motor vehicles for parts, dismantling and/or scrap, that are of a model five (5) years or older and have no motor or are otherwise inoperable on the date of purchase, may purchase such motor vehicle without receiving a title to such vehicle, provided the records required by subsection (a) of every vehicle bought or received by such motor vehicle dismantler, recycler, or scrap metal dealer for parts or scrap metal only, are kept.

(c) Any person who knowingly and willfully violates any of the provisions of this section, or any person who falsifies the statement required under subsection (b) of this section, shall be guilty of a class A misdemeanor. A court of competent jurisdiction may also order a defendant seller under this section to make restitution to the motor vehicle dismantler, recycler or scrap metal dealer for any damage or loss caused by the defendant seller arising out of an offense committed by the defendant seller, including attorney's fees.

(d) Any motor vehicle used to transport a motor vehicle illegally sold under this section may be seized by law enforcement and is subject to forfeiture by the court unless it appears that the owner or other person in charge of the motor vehicle is not a consenting party or privy to the commission of a violation of any provision of this title. A forfeiture of a vehicle encumbered by a bona fide security interest is subject to the interest of the secured party who had no knowledge or consented to the violation. Whenever property is forfeited under this section by order of the court, the sheriff of the county in which the offense occurred. shall sell the forfeited property, with the proceeds of the sale being remitted to the county general fund.

(e) The records provided for herein shall be open to inspection by a representative of the commissioner's office, and/or a law enforcement officer during reasonable business hours.

(f) As used in this section. The term "motor vehicle" shall not include motor vehicles which have been mechanically flattened, crushed, baled or logged and sole for purposes of scrap metal only.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.